

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 167 (Sub-No. 1190X)

March 23, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on December 12, 2008 for public review and comment. In the EA, OEA recommended 3 environmental conditions and concluded that the proposed abandonment would not significantly impact the quality of the human environment. No comments were received during the comment period, and OEA issued a Final EA on January 2, 2009.

On May 17, 2010, the Board served a decision that had the effect, inter alia, of granting authority to the applicant—Consolidated Rail Corporation (Conrail)—to abandon the approximately 2.27-mile rail line at issue in this proceeding. In that decision, however, the Board inadvertently omitted imposing the environmental conditions recommended by OEA. Accordingly, on July 1, 2010, the Board reopened the proceeding because of ministerial error for consideration of the environmental conditions. At the time of the July 1, 2010 decision, Conrail had completed the consultations contemplated by OEA's first 2 recommended conditions; however, the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), had not been completed. Therefore, the Board only imposed the following condition:

Conrail shall retain its interest in and shall take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Conrail shall report back to the Board's Office of Environmental Analysis regarding any consultations with the New Jersey State Historic Preservation Office and the public. Conrail may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

New Comments On the Abandonment

Section 106 Condition

In a letter dated March 10, 2010, the New Jersey State Historic Preservation Office (SHPO) submitted comments stating that the proposed abandonment would not adversely affect any known historic properties. Based on that information, OEA determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition that was imposed in the July 1, 2010 decision. Accordingly, there are no outstanding environmental conditions.

OEA CONTACT: Christa Dean 245-0299

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.



E1-18506

CD

HPO-C2011-082
Log # 08-2196-1 and 2
Page 1 of 3**State of New Jersey**

MAIL CODE 501-04B

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE

P.O. Box 420

Trenton, NJ 08625-0420

TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
GovernorBOB MARTIN
CommissionerKIM GUADAGNO
Lt. Governor

March 10, 2011

Mr. John K. Enright
Associate General Counsel
Consolidated Railroad Corporation (Conrail)
1717 Arch Street, 32nd Floor
Philadelphia, Pennsylvania 19103

Dear Mr. Enright:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing comments for the following proposed undertaking:

**Conrail (former Lehigh Valley Railroad Main Line)
Line Code 0501, Mile Posts 2.9 to 5.17
City of Jersey City, Hudson County, New Jersey
Application for Abandonment, Docket Number AB-167-1190-X
Surface Transportation Board (STB).**

This letter is in response to your submission and the Historic Preservation Office's receipt of: *Conrail Rail Corporation – Abandonment Exemption in Hudson County, New Jersey, STB Docket No. AB 167 (Sub-No. 1190X), Notice of Exemption, Environmental and Historic Report.*

Summary: The New Jersey and National Registers of Historic Places listed Morris Canal Historic District is the only historic property within or intersecting with Conrail's former Lehigh Valley Railroad Main Line between Mile Posts 2.9 and 5.17. The absence of features that convey the historic significance, integrity, and character of the Lehigh Valley Railroad and the conversion of some segments of the railroad right of way into a maintenance building and storage yard and a public parking lot for the New Jersey Transit Hudson-Bergen Light Rail Transit System require that the Lehigh Valley Railroad Historic District's eastern boundary be considered the currently active track at "Constable Junction" (Mile Post 5.17) where the former Lehigh Valley and National Docks Railroads converged. Because the property containing the Morris Canal's intersection with the former Lehigh Valley Railroad Main Line has previously been disposed by Conrail, the proposed abandonment of the railroad right of way between Mile Posts 2.19 and 5.17 will not adversely affect any known historic properties.

800.4 Identification of Historic Properties

Consideration of the Lehigh Valley Railroad as a historic property first arose during the 1996 evaluation of the Conrail (former Lehigh Valley Railroad) Oak Island Yard (City of Newark, Essex County) as a National Register of Historic Places (NRHP) eligible historic district. In a subsequent review of a federally funded roadway transportation project, the Helen Street Extension in South Plainfield, Middlesex County, New Jersey, the State Historic Preservation Officer opinion of the National Register of Historic Places (NRHP) eligibility of the Lehigh Valley Railroad Historic District (HPO letter C2002-151 PROD, March 15, 2002) stated:

The Lehigh Valley Railroad follows a route from Phillipsburg (Warren County) New Jersey east across the state [New Jersey] to Jersey City in Hudson County. At South Plainfield, the original main line right of way, now partially active and partially out of service, continues to Perth Amboy. ... The Lehigh Valley Railroad is eligible for the NRHP at the state level of significance for its role in providing access to New York markets (and the Port of New York and New Jersey) for the Lehigh Valley Railroad, a major inter-state carrier of anthracite coal.

Subsequent reviews of federally funded or regulated projects affirmed the National Register of Historic Places eligibility and clarified or elaborated upon the significance, integrity, and character of the Lehigh Valley Railroad Historic District, but did not evaluate the integrity or precisely delineate the boundaries of the eastern end of the historic district in Jersey City. The default presumption was that the historic district followed the right of way formerly operated by the Lehigh Valley Railroad to its primary freight terminus on the Hudson River waterfront between the south side of the Morris Canal Tidewater Basin and the north side of the Central Railroad of New Jersey Terminal (currently Liberty State Park).

The submitted report identified eleven (11) surviving railroad bridge abutments and piers within the 2.27 miles between Mile Posts (MP) 2.9 and 5.17. Although these bridge abutments and piers do not by themselves possess sufficient integrity to convey the significance of the former Lehigh Valley Railroad, the Historic Preservation Office has researched the relationship between these 11 surviving structures and the New Jersey and National Registers of Historic Places listed Morris Canal Historic District. The following railroad bridge abutment and piers have a physical and historical relationship to the Morris Canal:

MP 3.85 Stone [Bridge / Viaduct] Abutment (geographic north / railroad east abutment) of the Lehigh Valley Railroad over the Central Railroad of New Jersey and Morris Canal;

MP 3.9, 3.95, 3.96, 4.19, 4.2, 4.21, 4.22, 4.24, and 4.26 Concrete [Bridge / Viaduct] Piers of the [removed] approximately 2,200 foot long steel and concrete viaduct of the Lehigh Valley Railroad over the Central Railroad of New Jersey and Morris Canal.

The above noted railroad bridge abutment and piers are located within or occupy the following Jersey City blocks and lots:

1491 1A Reliable Reality, LLC

1492 1 Consolidated Railroad (location of New Jersey Transit Hudson-Bergen

Light Rail Transit System, maintenance facility, and public parking lot)
1492 3B PGSD, LLC.
1492 3D City of Jersey, City Redevelopment Agency

800.5 Assessment of Adverse Effects

Although the presence of the New Jersey and National Registers of Historic Places listed Morris Canal Historic District is not noted or delineated in the submitted Historic Document (Opinion Regarding Historical Matters), you have provided the HPO with evidence that the property containing the former Morris Canal's intersection with the former Lehigh Valley Railroad Main Line proposed for abandonment has previously been disposed by Conrail to the current property owners listed above. The absence of features that convey the historic significance, integrity, and character of the Lehigh Valley Railroad and the conversion of some segments of the right of way into a maintenance building and storage yard and a public parking lot for the New Jersey Transit Hudson-Bergen Light Rail Transit System require that the Lehigh Valley Railroad Historic District's eastern boundary be considered the currently active track at "Constable Junction" (Mile Post 5.17) where the former Lehigh Valley and National Docks Railroads converged. Therefore, the formal abandonment of the former Lehigh Valley Railroad Main Line right of way between Mile Posts 2.19 and 5.17 will not adversely affect any known historic properties.

The HPO appreciates having the opportunity to offer comments. Should you need any further assistance or if you have any questions regarding these comments, please contact Charles Scott at (609) 633-2396 or Charles.Scott@dep.state.nj.us.

Sincerely,



Daniel D. Saunders
Deputy State Historic
Preservation Officer

C: Surface Transportation Board
Advisory Council on Historic Preservation
Jerramiah Healy, Mayor, City of Jersey City
Thomas DeGise, County Executive, Hudson County
Stephen Gucciardo, Jersey City Historic Preservation Commission
Michael Selender, Jersey City Landmarks Conservancy
William LaRosa, Hudson County Office of Cultural and Heritage Affairs

CS:C/STBConrailLVAB-167-1190-X